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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,554	05/04/2001	Bruno Johannes Ehrnsperger	8391	1139

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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/849,554	Applicant(s) EHRNSPERGER ET AL.	
	Examiner Ivars C. Cintins	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 47-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The term "system" as recited in the preamble of the above noted claims is deemed to be misdescriptive in defining process claims. See lines 3-9 of claim 47.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31, 32, 34-38, 40-48, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase (U.S. Patent No. 3,733,267) in view of French Patent No. 2,268,898; further in view of Kasprzak (U.S. Patent No. 4,685,930), Madore et al. (U.S. Patent No. 5,057,240) or Perry et al. (U.S. Patent No. 6,368,359); still further in view of Freeman et al. (U.S. Patent No. 4,747,960). Haase discloses contacting a dry cleaning fluid with a fabric, and thereafter purifying this fluid for reuse. Accordingly, this primary reference discloses the claimed invention with the exception of the specific type of dry cleaning fluid employed, and the particular water absorbent material employed. The French patent teaches dry cleaning textile articles made of synthetic fibers with a fluid comprising a solution containing surfactants in an organic solvent and an aqueous detergent in emulsified form. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to employ the dry cleaning fluid disclosed in the French patent as the dry cleaning fluid of Haase, in order to obtain the advantages disclosed by this secondary reference (i.e. the ability to clean textiles made from synthetic fibers) for the process of the primary reference. Furthermore, Kasprzak, Madore et al. and Perry et al. each disclose that lipophilic fluids of the type recited (e.g. decamethylcyclopentasiloxane) are known detergent components for cleaning textiles (see line 4 of the abstract of Kasprzak; line 12 of the abstract of Madore et al.; and col. 1, line 62 of Perry et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the detergent of Kasprzak, Madore et al. or Perry et al. for the detergent in the dry cleaning fluid of the modified primary reference (i.e. disclosed by the French patent), since the detergent in each of these references is capable of cleaning textiles in substantially the same manner as the detergent of the modified primary reference, to produce substantially the same results. Furthermore, Freeman et al. teaches removing water from a fluid with an absorbent material comprising a porous woven sheet (col. 3, line 4) impregnated with a cross-linked polyacrylate (col. 2, line 18); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the water absorbent material of this reference in the filter of the modified primary reference, in order to assist in the removal of water from the fluid undergoing treatment in this modified primary reference system (see col. 1, lines 43-44 of Haase). Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the recited amount of sorbent material (claims 32 and 34) in the composition of the modified primary reference, in order to ensure that the fluid undergoing treatment in this modified

primary reference is adequately purified. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to treat a fluid having a temperature within the recited range (claim 40) by the process of the modified primary reference, since this recited temperature range encompasses normal room temperatures.

Claims 33 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase, the French Patent, Kasprzak, Madore et al., Perry et al. and Freeman et al. as applied above, further in view of Hou et al. (U.S. Patent No. 4,309,247). The modified primary reference discloses the claimed invention with the exception of the recited spacer material. Hou et al. discloses a filter sheet comprising clay, activated carbon, polystyrene and/or polyethylene (see col. 5, lines 15, 16 and 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ polystyrene and/or polyethylene in combination with the clay and activated carbon of the modified primary reference filter, as suggested by Hou et al., in order to provide additional filtration capability for the filter of this modified primary reference.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haase, the French Patent, Kasprzak, Madore et al., Perry et al. and Freeman et al. as applied above, further in view of Segall et al. (U.S. Patent No. 3,441,501). The modified primary reference discloses the claimed invention with the exception of the recited regeneration (i.e. triggering water release) step. Segall et al. discloses regenerating a water absorbent material in the recited manner (see col. 2, last line through col. 3, line 2); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to regenerate the water absorbent material of the modified primary reference in the manner

suggested by Segall et al., in order to enable reuse of this modified primary reference water absorbent material.

Applicant's arguments filed August 4, 2003 have been noted and carefully considered but are not deemed to be persuasive of patentability. Applicant argues primarily that it would not have been obvious to modify Haase by the teachings of Freeman because Freeman relates to applications such as under sea seismic oil and gas explorations, fuels or engine oils, and dielectric fluids for electrical equipment, and is therefore directed to non-analogous art. It is pointed out, however, that Freeman clearly teaches that water can be removed from a diverse fluid with a sorbent material of the type recited; and given this teaching, one of ordinary skill in the fluid purification art would have been motivated to incorporate the water absorbent material of Freeman in the filter of Haase, as proposed above.

The Japanese patent abstract contained in the Information Disclosure Statement filed May 30, 2003 has not been considered and has not been made of record in this application because Applicant has failed to provide a copy of this document, as required by 37 CFR § 1.98 and M.P.E.P. § 609.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (703) 308-1261.

The centralized facsimile number for the USPTO is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
November 15, 2003